

**52590**

DATE: August 17, 2016

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Thomas J. Lauro, P.E.  
Acting Commissioner of Public Works and Transportation

Adam Rodriguez  
Director of Real Estate

RE: **Authority to enter into an agreement with New York Medical College to license a portion of County-owned property located on the Grasslands Reservation (a/k/a Valhalla Campus) in the Town of Mt. Pleasant in order to install, use and thereafter maintain and/or repair foundation, poles and wire/filament necessary to establish an Eruv for an indefinite term with either party having the right to terminate the agreement on twelve (12) months prior written notice to the other. (License Agreement No. 16-922)**

At the request of the New York Medical College ("NYMC") authority is requested for the County of Westchester (the "County") to enter into an agreement (the "Agreement") pursuant to which the County will license to the NYMC (the "License") portions of County-owned property located on the Grasslands Reservation (a/k/a Valhalla Campus) in the Town of Mt. Pleasant, as delineated on Schedule "A", as well as the immediately surrounding area for each spot delineated on Schedule "A" (the "Licensed Area"). The Licensed Area will be used by the NYMC to install foundation, poles and wire/filament necessary to establish an Eruv (an area delineated by a wire boundary (or similar feature) which extends the private domain of Jewish households into public areas) ("Proposed Improvements").

The Agreement will commence upon execution and continue for an indefinite term, with either party having the right to terminate the Agreement on twelve (12) months prior written notice to the other party. In consideration for granting the License, NYMC will pay the County the sum of One (\$1.00) Dollar, fee waived, and other valuable consideration.

Upon completion of the Proposed Improvements and for the term of the Agreement, NYMC, at its sole cost and expense, will have a continuing obligation to repair and maintain the Proposed Improvements. Promptly upon completion of construction of the Proposed Improvements, NYMC will be responsible, at NYMC's sole cost and expense, for restoring the area surrounding the Licensed Area to substantially the condition prior to NYMC's use thereof.

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In May 2011, the NYMC joined the Touro College and University System creating one of the largest biomedical higher education consortiums under one institutional banner in the United States. Presently the NYMC has more than 1,400 students, 1,338 residents and clinical fellows, and more than 3,000 faculty members. The NYMC in keeping up with its ever expanding population is seeking to create an environment conducive to learning and has been working with the County and its neighbors to create a campus feel, one that is easy to traverse and keeps with the picturesque setting of the Grasslands Reservation. The Eruv will enhance the NYMC's effort to create a campus environment and enable observant Jews to, among other things, carry objects from the private to the public domain on Sabbath and holidays.

The Agreement is exempt from the Westchester County Procurement Policy pursuant to Section 3(b) thereof.

Based upon the foregoing, I recommend adoption of the proposed resolution.

TJL/AR/TSA

**RESOLUTION**

Upon a communication from the Acting Commissioner of Public Works and Transportation and the Director of Real Estate, be it hereby:

**RESOLVED**, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with New York Medical College ("NYMC") pursuant to which the County will license to NYMC (the "License") portions of County-owned property located on the Grasslands Reservation (a/k/a Valhalla Campus) in the Town of Mt. Pleasant, as delineated on Schedule "A", as well as the immediately surrounding area for each spot delineated on Schedule "A" for purposes of allowing NYMC to install, use and thereafter maintain and/or repair foundation, poles and wire/filament necessary to establish an Eruv (an area delineated by a wire boundary (or similar feature) which extends the private domain of Jewish households into public areas) ("Proposed Improvements"); and be it further

**RESOLVED**, that the Agreement will commence upon execution and be for an indefinite term, with either party having the right to terminate the Agreement on twelve (12) months prior written notice to the other party; and be it further

**RESOLVED**, that upon completion of the Proposed Improvements and for the term of the Agreement, NYMC, at its sole cost and expense, will have a continuing obligation to repair and maintain the Proposed Improvements, and upon completion of construction of the Proposed Improvements, the NYMC, at its sole cost and expense, will promptly restore the area surrounding the Licensed Area to substantially the condition prior to NYMC's use thereof; and be it further

**RESOLVED**, that in consideration for the granting of the License, NYMC will pay the County the sum of One (\$1.00) Dollar, fee waived, and other valuable consideration; and be it further

**RESOLVED** that the County Executive or his duly authorized designee be, and hereby is, authorized to take such actions and execute such documents as may be necessary and appropriate to effectuate the purposes hereof.

License Agreement No. 16-922

Account to be Charged/Credited	Fund	Dept.	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
						N/A

Budget Funding Year(s)     N/A     Start Date     Upon Execution     End Date     Indefinite Term      
(must match resolution)

Funding Source: Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

  \$ N/A   Federal Aid \_\_\_\_\_  
(must match resolution)

Other \_\_\_\_\_